

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-32617 - APPLICANT: FOREST CITY - OWNER: CITY PARKWAY IV A, INC and OFFICE DISTRICT PARKING I INC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.06.080 for a development in the Airport Overlay District.
2. Conformance to the conditions of Site Development Plan Review (SDR-32128) if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a special Use Permit for a proposed 592-foot high building where 175 feet is the maximum allowed in the Airport Overlay District on 6.54 acres located southeast of City Parkway and Grand Central Parkway.

The applicant has provided proof of notification of the FAA in accordance with the requirements of Title 19.06.080. Staff finds the application in conformance with code requirements, and recommends approval of the request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/23/98	The City Council approved a Rezoning (Z-0100-97) to PD (Planned Development) on the subject property. The Planning Commission and staff recommended approval.
01/02/02	The City Council approved the Parkway Center Development Standards, which have since been incorporated as part of the Las Vegas Downtown Centennial Plan.
11/15/06	The City Council approved a Site Development Plan Review application (SDR-16267), detailing the master site plan for the Union Park Development. The Planning Commission recommended approval of the request on 11/05/06.
01/03/07	The Union Park Design Standards manual (TXT-16302) was adopted by City Council, which establishes the development standards for the site and the Union Park Design Review Committee (UP-DRC). The Planning Commission recommended approval of the document on 11/05/06.
02/20/08	The City Council approved minor revisions to the Union Park Design Standards manual (TXT-23991), and incorporated the Union Park Schematic Streetscape Design document by reference. The Planning Commission recommended approval of the revisions on 09/27/07.
11/21/08	The UP-DRC recommended approval of a casino/hotel development on the site, subject to conditions.
01/08/09	The Planning Commission will consider associated Rezoning (ZON-31384) and Site Development Plan Review (SDR-32128) applications concurrently with this request.
<i>Related Building Permits/Business Licenses</i>	
07/25/07	A Building Permit (#23434) was issued for off-site gas service installation for Union Park Phase II per Southwest Gas utility plans. The permit was completed on 08/13/07.
08/15/07	A Building Permit (#23972) was issued for an off-site gas service installation for Union Park Phase I. The final inspection was performed on 09/12/07.

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10/04/07	A Building Permit (#24979) was issued for off-site phone conduit feeder for Union Park. The permit was closed out on 08/05/08.
12/13/07	A Building Permit (#18393) was issued for Phase I design and development of the 61-acre Union Park site. The permit is still active.
12/13/07	A Building Permit (#24669) was issued for Phase II design and development of the Union Park site. Improvements include roadways, parking, and landscaping. The permit remains active.
01/22/08	A Building Permit (#26504) was issued for a five terminal test station. The permit remains active.
05/12/08	A Building Permit (#114816) was issued for a temporary construction trailer. The permit remains active.
08/18/08	A Building Permit (#29500) was issued for a gas main line installation at City Parkway and Discovery Avenue. The final inspection was performed on 11/20/08.
08/21/08	A Building Permit (#29568) was issued for cable line installations at Union Park. The final inspection was performed on 12/03/08.
<i>Pre-Application Meeting</i>	
11/10/08	At the pre-application meeting, issues were discussed relative to the documentation necessary for the G-O Gaming Overlay, conformance with NRS enterprise district requirements, and the provision of a survey showing distance from protected uses. Elements of the site plan were also discussed, including the need for the applicant to obtain approval from the UP-DRC prior to Planning Commission consideration.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting is not required, nor was one held.
<i>Field Check</i>	
12/18/08	A visual inspection was conducted of the site. The Union Park site is being used as a staging and parking area for the construction of the Bus Rapid Transit line on Grand Central Parkway.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	6.42

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed-Use)	PD (Planned Development)
North	Office Use	MXU (Mixed-Use)	PD (Planned Development)
South	Undeveloped	MXU (Mixed-Use)	PD (Planned Development)

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East	Hotel Use, Non-Restricted Gaming Use	C (Commercial)	C-2 (General Commercial), M (Industrial)
West	Undeveloped	MXU (Mixed-Use)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
PD Planned Development District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD Planned Development District	X		Y
Downtown Overlay District	X		Y
G-O Gaming Enterprise Overlay District	X		Y
A-O Airport Overlay District	X		N ¹
Downtown Casino Overlay District	X		Y
Development Impact Notification Assessment	X		Y ²
Project of Regional Significance	X		Y ²

¹The project as proposed requires a Special Use Permit application (SUP-32617), regarding height over 175 feet within the Airport Overlay District, this application will facilitate this requirement.

²A DINA/PRS form was submitted with the master site plan (SDR-16267) for the entire Union Park development. A copy of the form is included in the case file for reference.

Redevelopment Plan Area – The subject site is located within the boundaries of the Las Vegas Redevelopment Area.

Downtown Centennial Plan – The subject development is located within the boundaries of the Parkway Center District, which encompasses a large part of the former Union Pacific railroad yards, and is intended to become a vibrant mixed-use area with commercial uses, residential uses, entertainment and civic uses. A separate set of development standards has been adopted by City Council for the 61-acre Union Park site within the Parkway Center District.

PD Planned Development District – All properties within the Parkway Center District of the Downtown Centennial Plan are zoned PD (Planned Development), and are subject to development standards listed in the Centennial Plan. As noted, separate standards for the Union Park development site were later adopted by City Council.

Downtown Overlay District – The subject site is located within the Downtown Overlay District. The intent of the district is to establish special design standards for development within the city's established urban core.

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Airport Overlay District – The subject site is within the North Las Vegas Airport Overlay (175 feet). As noted, the proposed structure exceeds the height limit, and a Special Use Permit application (SUP-32617) has been filed in accordance with the requirements Title 19.06.080.

Downtown Casino Overlay District – The subject property is within the boundaries of the Downtown Casino Overlay District, as defined in Title 19.06.100. However, the property is outside of the boundaries of the special signage subdistrict.

DEVELOPMENT STANDARDS

Pursuant to the Union Park Design Standards, the following development standards apply to the subject proposal:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	6.54 acres	N/A
Min. Setbacks <ul style="list-style-type: none"> • Front – City Parkway • Corner – Grand Central Parkway 	Not to exceed 10’ along frontages	Up to 10’ along frontages	Y
Max. Lot Coverage	N/A	≈ 97%	N/A
Max. Building Height	N/A	592’	N/A
Trash Enclosure	Not visible from public rights-of-way	Interior	Y
Mech. Equipment	Screened	Screened	Y

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements and standard parking requirements. The project is subject to the development standards contained in the Union Park Design Standards manual.

ANALYSIS

Pursuant to Title 19.06.080, the provisions for a Special Use Permit to exceed the height limitation in the 175-foot limitation zone of the A-O (Airport Overlay) District are as follows:

1. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this subchapter may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in Subchapter 19.18.060, except that:

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- a. The applicant shall notify the FAA (Federal Aviation Association) regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
 - b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
2. Notwithstanding the preceding provisions of this subchapter, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this subchapter or any amendment thereto.

The proposed development includes a single 592-foot high hotel tower, with an attached seven-story casino/retail structure. As the tower exceeds the 175-foot height limit imposed by the Airport Overlay District, approval of a Special Use Permit is required. The applicant has submitted proof of notification of the FAA and the Clark County Department of Aviation as required by Title 19.06.080. It should be noted that the World Jewelry Center structure (SUP-30257) has been approved at a greater height than the subject application; therefore, the proposed structure should pose no impacts to existing flight patterns.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land uses can be conducted in a manner that is harmonious with existing surrounding land uses, and the uses projected by the General Plan and the Union Park Design Standards.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the intensity of use proposed by the applicant.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Street and highway facilities will be adequate to serve the proposed development. A transit line is being constructed adjacent to the subject site, and will assist in mitigating traffic impacts generated by the project.

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4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Approval of this Special Use Permit will not alter existing flight routes and patterns; consequently, public health, safety and welfare will not be compromised.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed development is consistent with the requirements of LVMC Title 19.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 76

APPROVALS 0

PROTESTS 0